

THE INDIANA EMERGENCY RESPONSE COMMISSION  
INDIANA EMERGENCY RESPONSE COMMITTEE (IERC) MEETING  
Indiana Government Center-South Conference Room 18  
302 West Washington Street  
Indianapolis, Indiana 46204  
March 12, 2007 @ 1:00 p.m.

**WELCOME AND INTRODUCTION**

Bruce Palin called the meeting to order and asked for the roll call and had each person introduce them selves.

**ROLL CALL TO ORDER**

Bruce Palin — State Government  
Bernie Beier — Local Government  
James Pridgen — Industry  
William Reed Jr. — Public

Robert Reilley — Industry  
Mike Bigler — State Government  
Thomas Melville — State Government

The following Commission members were absent:

Carol Shelby — Public  
Michael Pace — Industry  
Dean Larson, PhD — Public

Sherman Greer — Local Government  
Cliff Wojtalewicz — State Government

The following staff members were present:

Laura Steadham — IDEM  
Mara Snyder — IDHS  
John Steel – IDHS

Ian Ewusi — IDEM/IDHS  
Dolly Watkins — IDHS

The following were members of the audience that were present:

Jeff Larimore- Marion County LEPC

Ed Rock – Kosciusko County EMA

**QUORUM**

Ms. Dolly Watkins, IDHS's Council Coordinator stated that a quorum was present.

**CONSIDERATION OF THE MINUTES**

Mr. Palin called for consideration of the January 8, 2007 IERC meeting minutes. A motion was made by Mr. Jim Pridgen and seconded by Mr. Bernie Beier to accept the minutes without amendment. Following no discussion, and after a unanimous vote, **MOTION CARRIED.**

## **REPORT OF THE CHAIR**

Mr. Palin stated that he was going to turn the report over to Mara Snyder to discuss the memorandum she passed out regarding the opinion of the State Ethics Commission. The memorandum is ready to go to the LEPC's. Ms. Snyder stated that she can request to the Ethics Commission again, when the commission can decide who the author is. This needs to be decided quickly. Mr. Pridgen stated in previous requests have come from chair, director or legislative positions. Ms. Snyder is going to have the designee sign the request for the formal request to the Ethics Commission. Mr. Reilley asked that if this applies to LEPC members, does it apply to IERC members, Ms. Snyder stated it does since they are special state employees.

## **COMMITTEE REPORTS**

### **Communications Committee**

No report given. The topics for the 2007 conference will be presented at the next meeting.

### **Technical Committee — James Pridgen, Chair**

There was a combined Policy and Technical Committee held prior to the IERC meeting. The items discussed; first topic of discussion was record retention schedule for the IERC and the LEPCs. Mara Snyder reported that LEPCs are deemed a state agency for the purposes of records retention, which meant that IDHS puts in place the proposed record retention schedule that would cover LEPCs and the proposal submitted to the Commission for Public Records for approval. It was suggested that solicit the type of format expected of the retention schedule and records.

The second topic of discussion was an EPCRA fact sheet. Mr. Ewusi presented an EPCRA reporting fact sheet that would be beneficial to EPCRA facilities. The fact sheet detailed the EPCRA reporting sections, the categories of reporting, the criteria for reporting and the entities to receive these reports. He indicated the fact sheet was in an effort to address questions raised by LEPCs and facilities on EPCRA chemicals. Mara Snyder indicated that she would review the document before it is released to the public.

The third topic of discussion was if money could be spent by one county LEPC to support HAZ-MAT training in another county. The committee agreed that this was possible since HAZ-MAT training can be funded by a hosting county. On that same topic the question was asked if instructors could be brought in from other counties to perform this service in another county and if it could be funded by the host county. It was noted that instructors could come from anywhere, as long as they are on the instructors list. Additionally, if an LEPC does not have sufficient funds to actually bring in a trainer to perform this service, an LEPC who can afford this could make this available for services.

The fourth topic of discussion was on LEPCs funding for maintaining and calibrating equipment. The committee indicated that LEPCs could not fund calibrating and maintenance of equipment. Ms. Snyder provided clarification on the subject of funding LEPCs for training, that helping another county by providing trainers and training equipment was permissible but not monetary support.

Mr. Ewusi informed the commission that Lake County LEPC had inquired if the IERC required GIS mapping in all hazardous materials plans. He indicated that this was not a requirement but an LEPC was free to integrate GIS information into its plans.

Ms. Snyder stated that by statute the LEPC hazardous plan updates need to be submitted October 17<sup>th</sup>. Mr. Melville asked how many LEPC's did not meet the deadline and were the counties that did not submit their plans receive funding. Mr. Ewusi stated that about 50% of the LEPCs did not meet the deadline. Ms. Snyder indicated that this was discussed at the morning committee meeting and that the commission should ready a compliance proposal to be enforced in 2007-2008 funding circle.

Chairman Palin asked if the statutory requirement specifically states that LEPCs are not in compliance if they don't have anything (plans) submitted. Ms. Snyder answered no, but explained that it is a commission decision to fund an LEPC for non-compliance. Mr. Melville suggested establishing a firm date for the submission of LEPC plans. Mr. Ewusi advised that this could be shelved until the next meeting and that two other items, increasing the number of tier II electronic reports and using CAMEO to develop LEPC hazardous materials plans could be added to this discussion.

Mr. Ewusi also indicated that EPA has offered technical support for one of the proposals that would increase the Tier II submissions on-line. He advised that he will invite an EPA representative to the next meeting to discuss their ideas.

Mr. Ed Rock from Kosciusko County inquired if LEPC funds used be used to purchase calibration equipment? Mr. Ewusi confirmed that LEPC funds cannot be used for maintenance and calibration of equipment but for equipment purchase. Mr. Bigler explained that the main purpose of the LEPC is for planning purposes, and that the ability of an LEPC to purchase equipment is nice even though their primary responsibility is planning.

Mr. Pridgen presented dates for the IERC Retreat to be held at the Columbus City Hall in Columbus, Indiana. April 20<sup>th</sup>, 2007, was selected for the retreat.

#### **Policy Committee — Dean Larson, Chair**

Policy Committee report was included with the Technical Committee report.

#### **Training Committee — Bernie Beier**

Mr. Bernie Beier reported that Training Committee did meet with the policy and technical committee meeting and reported that since the last meeting, there were two more approvals on individuals requesting to included as trainers for the LEPC resource list. He noted that there has been a lot of input over the last couple of months from county LEPCs, confused over what trainers list they use in their authorized training. He indicated that by the next meeting, the training committee would have recommendation regarding have a separate LEPC list or including this list as an LEPC section in IDHS's training division. This he believed would streamline what we do from a training standpoint by using the same training list that everybody would go to because the locals know to go to the training division and nowhere else. Mr. Bigler reminded the commission that instructor have to be an Instructor II-III and teach to the level that they have been trained for.

#### **Fiscal Committee — Bruce Palin**

Mr. Bruce Palin reported that the Fiscal committee did not meet. Mr. Palin did provide information which lays out what the budget is. He indicated that State legislature is in session determining what the two year budget is going to be, that starts July 1<sup>st</sup>.

He passed out recommended expenditures which was the actual budget turned into the budget agency and indicated that as of December 31, 2006, the IERC fund balance was \$241,323.34.

He noted that there maybe some projects coming up such as updating the policy manual and electronic reporting issues, and that the commission has the funds to support these projects.

Mr. Beier inquired on the amount collected for the facility filing fees and, Mr. Ewusi reported about \$98,000 per year. Mr. Palin then explained that if we maintain to large of a balance for along period of time, the Legislature or Budget Agency may seize the funds. Mr. Bigler added that this a federal program managed by the State that they have been able to keep that from happening.

### **OLD BUSINESS**

Mr. Ewusi reported under old business that as requested by the commission he has reviewed past commission minutes and has been able to document all special projects requests that have come before the commission. The purpose is to make this record available to the LEPCs to help expedite future requests for special projects request.

### **NEW BUSINESS**

No new business.

### **REPORT OF THE FIELD COORDINATOR**

Mr. Ian Ewusi presented LEPC compliance reports and legal notice and fiscal reports due on January 31 and February 16<sup>th</sup> respectively.

He stated that interest in CAMEO has increased and that he has received requests for classes in Allen, Grant, Noble, Wabash, Jackson, and Steuben Counties. In counties where there are volunteer firefighters, training may have to be scheduled for Friday evenings or Saturdays, and that was not an issue.

Mr. Ewusi also highlighted that he continues to attend LEPC meetings which is beneficial for public relations.

At the last meeting, he presented a summary of the LEPC compliance which indicated that there were 68 compliant LEPCs in 2004 and 2005 and 64 compliant LEPCs 2006. He indicated that as LEPCs comply with the 2006 activities they will be funded in 2007. He noted that he is also working with 13 other inactive LEPC's to assist them in meeting their requirements.

Mr. Ewusi noted that he is still working with counties that need to submit an item or two to be fully compliant, so he hesitant to give a drop dead date for compliance if it is possible to push gently for compliance. He agreed that next year would be a good time to institute a drop-dead date for compliance.

It was requested at the last meeting that Mr. Ewusi's reports show the number of facilities in the 13 counties that have been identified as being inactive, to see if the number of facilities had anything to do with the inactive status. His report indicated the number of facilities and suggested that he could contact surrounding counties to determine if they would consider merging with these LEPCs, just like in the case of n Orange and Washington Counties.

He indicated that Benton and Starke Counties have been inactive for five to six years, while Cass County comes in and out of compliance. Ohio and Switzerland had 2-5 reporting facilities and other LEPCs had 27-39 facilities. He summarized that while Ohio with 2 facilities might have an issue, he didn't believe that it's an issue that can be used to generalize what's happening in other counties. If a county is not compliant a year from now, the money is placed back in the pot to benefit other LEPC's.

As the IERC meets during the year, Mr. Ewusi-Wilson will give updates on how the LEPC's are doing to 2007.

### **MEMBERSHIP ROSTER APPROVALS**

Mr. Ian Ewusi reported there were 64 out of 91 LEPCs that have submitted their roster for approval. Rosters are supposed to be submitted before February 16<sup>th</sup>, and if there are any changes during the year, they can update them as they go.

Motion to carry the roster of 65 counties, Moved by Mr. Pridgen, second by Mr. Bigler, **MOTION CARRIED.**

### **LEPC COMMENTS**

Mr. Jeff Larimore from Marion County LEPC commented that he is looking forward to hearing about the questions as they relate to ethics and sharing the information with his members. Discussion continued on appropriate training for LEPC members, Ms. Snyder said she would look into this matter and find if LEPC members (special state appointees) have a separate program.

Not other LEPC Comments.

### **EPA COMMENTS**

None

### **PUBLIC COMMENTS**

None

### **NEXT MEETING**

The next meeting will be in the IERC retreat at the Columbus City Hall, Columbus Indiana on April 20, 2007, details will follow. The next scheduled IERC meeting will be in LaPorte, Indiana on May 14, details will be sent out as soon as they are available.

**ADJOURNMENT**

Mr. Palin adjourned the meeting.

**THE MEETING WAS ADJOURNED AT 2:18 P. M.**

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Bruce Palin, IDHS Proxy Chair